

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT ALLEN VAN ORDEN, III,

Plaintiff,

**Docket No.: 20-cv-7207-PMH**

-against-

CITY OF PORT JERVIS - PD,

Defendant.

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**NOTICE OF MOTION TO DISMISS  
BY DEFENDANT CITY OF PORT JERVIS - PD**

MOTION BY:

CITY OF PORT JERVIS - PD

DATE, TIME AND PLACE  
OF HEARING:

**January 22 , 2021**, at 9:00 a.m., at the United States District Court, Southern District of New York, 500 Pearl Street, Courtroom 12D, New York, New York 10007.

SUPPORTING PAPERS:

Declaration of Louis U. Gasparini, Esq., with supporting exhibits and Memorandum of Law.

RELIEF DEMANDED:

An Order, pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint against the defendant, CITY OF PORT JERVIS - PD, with prejudice upon the ground that the Complaint fails to state a claim upon which relief can be granted and fails to name a proper party, as well as granting such other and further relief as to this Court may seem just and proper.

ANSWERING PAPERS:

All opposition papers must be served no later than **January 12, 2021**.

Dated: White Plains, New York  
December 10, 2020

Respectfully submitted,

**SCHWAB & GASPARINI, PLLC**

Attorneys for Defendant  
CITY OF PORT JERVIS - PD



BY: \_\_\_\_\_

**LOUIS U. GASPARINI (LG2655)**

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(914) 304-4353  
File No. 129.024

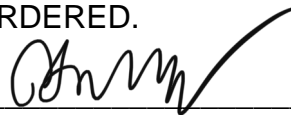
TO:

ROBERT ALLEN VAN ORDEN III  
*Plaintiff Pro Se*  
ID No. 202000248  
Orange County Jail  
110 Wells Farm Road  
Goshen, NY 10924

Defendant's motion to dismiss is denied without prejudice. If Defendant intends to move to dismiss Plaintiff's Complaint, Defendant must comply with this Court's Individual Practices which requires the filing of a pre-motion conference letter. (Rule 2(C)). Defendant's time to answer or file its pre-motion conference letter is extended *sua sponte* until December 23, 2020. Defendant is directed to mail a copy of this Order to Plaintiff at the address on the docket and provide proof of service on the docket by December 14, 2020.

The Clerk is instructed to terminate ECF No. 11.

SO ORDERED.



Philip M. Halpern, U.S.D.J.

Dated: New York, NY  
December 11, 2020